

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES LINLOR,

Plaintiff,

v.

NEVADA SECRETARY OF STATE,

Defendant.

Case No. 3:20-cv-00165-MMD-CLB

ORDER

Pro se Plaintiff James Linlor appears to have been attempting to sue the Nevada Secretary of State to allow him to wear political apparel into a polling place during the November 2020 general election. (ECF Nos. 1-1, 1-2, 5.) In a prior order, the Court dismissed Plaintiff's action, but granted Plaintiff leave to file a complaint within 30 days. (ECF No. 7.) The Court explicitly stated in that order that, "if Plaintiff decides to file a complaint to initiate a case including allegations related to the content of his letter and petition, he must do so within 30 days of the date of entry of this order." (*Id.* at 4.) To date, Plaintiff has not filed a complaint. "Pursuant to Federal Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with any order of the court." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992); *see also id.* at 1260-63 (affirming dismissal for failure to comply with an order requiring amendment of complaint). And as a function of that power in this case, the Court will dismiss Plaintiff's case with prejudice because Plaintiff has not filed a complaint within the time provided by the Court, despite the Court's order that he must.

It is therefore ordered that this case is dismissed with prejudice.

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1 The Clerk of Court is directed to enter judgment accordingly and close this case.

2 DATED THIS 7th Day of December 2020.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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